

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

C.C. through his natural mother and guardian, MELANIE GINNEVER,

Plaintiff,

VS.

**SUZUKI MANUFACTURING OF
AMERICA CORPORATION, et al.**

Defendants.

Case No. 4:16-cv-1271-ERW

PETITION FOR APPROVAL OF MINOR SETTLEMENT

Plaintiff C.C., by and through his natural mother and guardian, Melanie Ginnever, for their
Petition for Approval of Minor Settlement state as follows:

1. This is a product liability action arising out of an injury suffered by C.C., a minor.
2. Melanie Ginnever has been appointed by this Court as C.C.'s Next Friend. [Doc. 16].
3. Melanie Ginnever is the natural mother of C.C., a minor. Mrs. Ginnever is at least 18 years of age and has been actively involved and informed during the course of the litigation.
4. The parties have agreed to compromise and settle this cause by the payment to Plaintiff of a confidential and agreed upon sum of monies as set out in Exhibit A.
5. Given the confidential nature of the settlement, Exhibit A will be provided for the Court's in camera review at the settlement approval hearing to preserve confidentiality.
6. Melanie Ginnever believes and submits that this settlement is reasonable and appropriate and further that acceptance and approval of the proposed settlement is in the best interest of her son, C.C.

7. By way of settlement, Defendants Suzuki Motor Corporation and Suzuki Manufacturing of America Corporation shall pay, or arrange to pay, the sums as set forth in Exhibit A.

8. In conjunction with approval of this settlement, Melanie Ginnever shall execute a Settlement Agreement and Release concerning Plaintiff's claims arising out of the July 19, 2015 accident. A copy of the Settlement Agreement and Release will be marked as Exhibit B and provided for the Court's in camera review at the settlement approval hearing.

9. C.C., by and through his natural mother and Next Friend, Melanie Ginnever, has retained the services of The Simon Law Firm, P.C., as lead counsel, and Kullmann, Klein & Dioneda, P.C., as co-counsel, to investigate all potential claims in this matter, and the settlement herein is subject to attorneys' fees pursuant to the agreement between them from the confidential settlement offered to C.C. The amount of attorney's fees is reflected in Exhibit A.

10. The Simon Law Firm, P.C. has also incurred litigation expenses on behalf of C.C. and those expenses will be reimbursed from the proceeds as reflected in Exhibit A pursuant to the representation agreement between Plaintiff and counsel.

11. Plaintiff C.C. also has an outstanding medical/health insurance lien which has been negotiated and will be paid out as reflected in Exhibit A.

12. The balance of the settlement, after subtraction of attorney's fees, litigation expenses and liens, will be invested in a structured settlement annuity with substantially similar terms as set forth in Exhibit C, to be provided for the Court's in camera review at the settlement approval hearing.

13. Exhibit D, which details terms of the net funds and structured settlement annuity from the previous settlement of C.C.'s claim with American Family Mutual Insurance Company,

will also be provided for the for the Court's in camera review at the settlement approval hearing in order to provide the Court with a complete picture of the total settlement funds procured for Plaintiff and the collective structured settlement annuities set up for his benefit.

14. Defendants have no objection to this Motion.

15. C.C., by and through his natural mother and Next Friend, Melanie Ginnever, respectfully requests this Court to enter its Judgment and Order approving this Settlement Involving a Minor in the confidential amount reflected in Exhibit A for C.C., and authorizing and directing Melanie Ginnever, as natural mother and Next friend to C.C., to execute all paperwork required to finalize the settlement, including the Settlement Agreement and Release marked as Exhibit B, and directing that the balance of the settlement after payment of attorney's fees, litigation expenses and liens as set forth in Exhibit A be invested in a structured settlement annuity with substantially similar terms as set forth in Exhibit C.

WHEREFORE, C.C., by and through his natural mother and Next Friend, Melanie Ginnever, prays this Court hear and approve his Petition for Approval of Minor Settlement.

Respectfully Submitted,

THE SIMON LAW FIRM, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been furnished to all counsel of record via this Court's ECF system on October 4, 2018.

/s/ John M. Simon